

PROCEDURE FOR MARKING EXHIBITS

PURSUANT TO LOCAL RULE 83.13 NO LATER THAN ONE WEEK before a civil case is set for trial/hearing, counsel shall furnish to the Clerk's Office:

1. **ORIGINAL** of **typed descriptive list** of all exhibits to be offered. Each listing shall indicate whether the exhibit shall be admitted into evidence by agreement of parties or marked for identification (ID). Forms for use in this listing may be obtained via the Court's website at the following link: <http://www.nhd.uscourts.gov/cp/fuf.asp>. Paper versions can be obtained from the Clerk's Office. Alternatively counsel may submit their own exhibit list as long as it is in a similar format to the sample on the reverse of these instructions.

2. **ORIGINAL MARKED EXHIBITS** that will be used in the proceeding. Stickers for marking exhibits shall be printed with GOVERNMENT EXHIBIT (yellow), PLAINTIFF'S EXHIBIT (yellow), OR DEFENDANT'S EXHIBIT (blue). Only the ORIGINAL exhibits should have the colored sticker labels. Any copies for the judge, law clerk or opposing counsel should not have original stickers on them and should only bear the transposed version of sticker. DO NOT BRING large or bulky (machinery, tires, etc.) or sensitive exhibits. Those may be produced on the first day of trial.

Copies of the exhibits should have been reviewed and exchanged by counsel. It is expected that no court time will have to be spent while counsel review documents previously available to them. At the commencement of the proceeding, all agreed-to exhibits will be offered and received into evidence. Those marked for ID will remain so until ruled upon during the proceeding or in the court's opinion or otherwise. Counsel should make every effort to confer and agree on exhibits in advance on trial.

PURSUANT TO CRIMINAL LOCAL RULE 16.1, in a criminal case counsel shall file and exchange:

1. ORIGINAL of typed descriptive list of all exhibits to be offered no later than one week before case is set for trial.
2. ORIGINAL MARKED EXHIBITS that will be used at trial no later than one day before the start of evidence.

JERS: If counsel have stipulated to the use of the Jury Evidence Recording System (JERS), the physical evidence still needs to be submitted as outlined above. Submission of Electronic Exhibits shall be filed within 5 days before trial. They shall be conventionally filed on a data storage device, such as USB, DVD or CD. All exhibits must load on 1 storage device. **Please Note: Electronic exhibits submitted for use with JERS must not display exhibit stickers.** For more information, see: <http://www.nhd.uscourts.gov/ct/jers.asp>

~~~~~MARKING EXHIBITS~~~~~

The original exhibits are held during trial in a rack at the Clerk's bench. For everyone's easy reference, exhibit stickers shall be placed so they will be clearly visible when placed in numerical/alphabetical order in the rack: Exhibit sticker shall be placed on the upper right hand corner of exhibit. (See reverse for example)

PLAINTIFF'S EXHIBITS: Marked numerically in sequence commencing with the number 1 and using PLAINTIFF'S EXHIBIT stickers.

GOVERNMENT'S EXHIBITS: Marked numerically, commencing with the number 1 and using GOVERNMENT EXHIBIT stickers.

DEFENDANT'S EXHIBITS: DEFENDANT'S EXHIBIT stickers. Defendant's exhibits shall be marked alphabetically in sequence, commencing with the letter A, if total number of exhibits does not exceed 78 (three times through the alphabet). After the alphabet has been used, begin with AA, BB, etc., followed by AAA, BBB, etc., for the third time through. If total number of exhibits exceeds 78: Defendant's exhibits shall be marked numerically.

MULTIPLE PARTIES: If there are multiple defendants or third-party defendants submitting separate exhibits, use a letter designation for the specific defendant before the exhibit letter or number. (Example: 2 defendants, Brown and White. Mark exhibits B-A, B-B for Mrs. Brown, and W-A, W-B, etc. for Mr. White.)

AGREED-TO/ID: On exhibits to be admitted without objection: Mark with letter or number designation only and list accordingly, e.g. A or 1. On exhibits to which objection will be made: Mark for identification, e.g. A (ID) or 1(ID), see reverse for example.

A SERIES: In the case of groupings of related exhibits (i.e. Photographs or medical records), mark with a number/letter or letter/number designation, e.g. 1A, 1B etc. or B1, B2 etc. If a series of items (photos, receipts, checks) are to be marked, they should either be mounted on a stiff backing (8 1/2" x11) OR a good quality color photo copy version can be submitted (1 per page is preferred in the event opposing counsel objects to one and not the other. On the exhibit list, enter each sub-exhibit number and description separately. (See example on reverse)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

~SAMPLE~

Snagglepuss Pappas

v.
Town of Boscawen et al

Case # 12-cv-333-JL

EXHIBITS

OFFERED BY:

NUMBER/LETTER	DESCRIPTION
1	Aerial Photograph of 55 Pleasant St.
1A	Enlarged version of Aerial Photograph of 55 Pleasant St.
1B	Photograph of Front entrance of building, 55 Pleasant St.
2 (ID)	Curriculum Vitae of Dr. Snagglepuss Pappas
3 (ID)	Laboratory report dated 1/15/09

